

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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RICHARD WILLIAMSON,

Plaintiff,

v.

FEDERAL RESERVE BANK OF NEW  
YORK, et al.,

Defendants.

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Civil No. 10-5758 (JLL)

**ORDER**

**LINARES, District Judge.**

This matter comes before the Court on Plaintiff's submission of a civil Complaint and an application to proceed in forma pauperis. The Court has reviewed the submissions and finds that:

1. Plaintiff did not prepay the \$350.00 filing fee for a civil action as required by Local Civil Rule 54.3(a). Rather, Plaintiff submitted an application to proceed without the prepayment of this fee.
2. Plaintiff's application states that his average monthly income amount during the past 12 months is \$6,900, that he expects income in the amount of \$3,900 next month and that he and his wife support one child. His affidavit states that his total household monthly expenses are \$4,650.00. He also states that they have one car valued at \$2,500.
3. For a Court to grant in forma pauperis status to a litigant, the litigant "must establish that he is unable to pay the costs of his suit." Walker v. People Express Airlines, Inc., 886 F.2d 598, 601 (3d Cir. 1989). However, "[t]he Supreme Court has held that a plaintiff need not 'be absolutely destitute to enjoy the benefit of the statute.'" Chatman v. Allegheny County, 144 Fed.

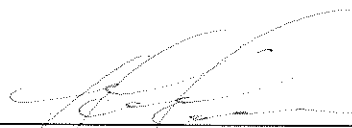
Appx. 216, 217 (3d Cir. 2005) (unpublished decision) (quoting Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 339 (1948)).

4. Here, this Court finds that Plaintiff has made an inadequate showing of why he is unable, with a current monthly income of \$3,900 (and an average monthly income of \$6,900 over the past twelve months), to remit the \$350.00 filing fee for a civil action as required by Local Civil Rule 54.3.
5. The Court notes that “[a]lthough a complaint is not formally filed until the filing fee is paid, [it is] deem[ed] to be constructively filed as of the date that the clerk received the complaint-as long as the plaintiff ultimately pays the filing fee or the district court grants the plaintiff’s request to proceed in forma pauperis.” McDowell v. Del. State Police, 88 F.3d 188, 191 (3d Cir. 1996).

It is, therefore, on this **22<sup>nd</sup> day of November, 2010**,

**ORDERED** that Plaintiff’s application to proceed in forma pauperis is **DENIED**; and it is further

**ORDERED** that, on or before December 20, 2010, Plaintiff is hereby directed to remit the \$350.00 filing fee or submit an amended in forma pauperis application demonstrating why he is unable to remit this fee. Failure to do so will result in the Complaint being deemed withdrawn and the Clerk of the Court closing its file in this matter.



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Jose L. Linares  
United States District Judge